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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,331	06/29/2000	Yona Flint	33342	7027

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NEW YORK, NY 10112

EXAMINER

GURSHMAN, GRIGORY

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/606,331

Applicant(s)

FLINT ET AL.

Examiner

Grigory Gurshman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/22/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Referring claims 1 and 4, the rejection under 35 USC § 112 (second paragraph) is withdrawn in view of the amendment of the instant claims.
2. Referring to claims 1-10, Applicant argues that some of the features of the claimed invention are different from Dulude reference. Examiner respectfully points out that alleged difference are not adequately reflected in the claims. In particular the independent claim 1 recites steps a through f, which are met by Dulude as follows:  
the limitation "sampling one or more biometric of a person and converting the biometric sample to a digital form" is met by biometric data collected by the input device 26 (in Fig.30 and converted into the digital form as a part of the digital certificate (38). The limitation " producing a first digital seal from the combination of the digital data packet(s) and the biometric sample(s) ... " is met by combining the user input with biometric data within the biometric certificate generator (see Fig.3). It is also shown in Fig 2., wherein the N bits of biometric data are combine with other data of the certificate sent as data packet sent over the network (see 58 in Fig.4). The limitation "sending the digital data packet(s) and the biometric sample(s) and the digital seal to the recipient " is met by units 46 and 58 (in Fig. 4). The limitation "producing a second digital seal form the combination of received digital data packets and the received biometric sample(s); comparing the first and second seals" is met by Fig. 5. Dulude shows producing first (80) and second (84) classifiers base on the digital signature and the biometric certificate. The classifiers are compared with hash values (see column 7, lines 15-20).

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The limitation "approving the authentication of the digital signature" is met by validation signal (90 in Fig. 5).

Therefore the case of anticipation with regards to claims 1-10 has been sufficiently established.

3. Regarding claims 11-13, Applicant argues that claim 11 has some contrasting arrangement from the Lambert reference. Examiner states that there is no evidence of this fact provided by the instant claims. Lambert does anticipate claims 11-13 due to the fact that every claim limitation has been met by teachings of Lambert.

4. In view of the reasons provided herein, rejections of claims 1-13 are maintained.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Dulude (U.S. Patent No. 6,310,966).

7. Referring to the instant claims, Dulude discloses biometric certificates (see title and Fig.2). Dulude teaches that biometric identification is combined with digital

certificates for electronic authentication as biometric certificates. The biometric certificates are managed through the use of a biometric certificate management system. Biometric certificates may be used in any electronic transaction, requiring authentication of the participants. Biometric data is pre-stored in a biometric database of the biometric certificate management system by receiving data corresponding to physical characteristics of registered users through a biometric input device. Subsequent transactions to be conducted over a network have digital signatures generated from the physical characteristics of a current user and from the electronic transaction. The electronic transaction is authenticated by comparison of hash values in the digital signature with re-created hash values. The user is authenticated by comparison against the pre-stored biometric certificates of the physical characteristics of users in the biometric database (see abstract).

8. Referring to the independent claim 1, the limitation "sampling one or more biometric of a person and converting the biometric sample to a digital form" is met by biometric data collected by the input device 26 (in Fig.30 and converted into the digital form as a part of the digital certificate (38). The limitation "producing a first digital seal from the combination of the digital data packet(s) and the biometric sample(s) ..." is met by combining the user input with biometric data within the biometric certificate generator (see Fig.3). It is also shown in Fig 2., wherein the N bits of biometric data are combine with other data of the certificate sent as data packet sent over the network (see 58 in Fig.4). The limitation "sending the digital data packet(s) and the biometric sample(s) and the digital seal to the recipient " is met by units 46 and 58 (in Fig. 4). The

limitation "producing a second digital seal from the combination of received digital data packets and the received biometric sample(s); comparing the first and second seals" is met by Fig. 5. Dulude shows producing first (80) and second (84) classifiers base on the digital signature and the biometric certificate. The classifiers are compared with hash values (see column 7, lines 15-20). The limitation "approving the authentication of the digital signature" is met by validation signal (90 in Fig. 5).

9. Referring to claims 2 and 5, Dulude teaches encryption/decryption of the digital data packet containing the biometric data (see Figs. 4 and 5).

10. Referring to claim 3 and 8, Dulude teaches using the public and private key for encryption (see Fig.5, units 70 and 74).

11. Referring to claim 4, Dulude teaches the use of the database for storing biometric data (see 66 in Fig.5). The limitation "generating a digital ID associated with the session" is met by Fig. 2 (see issuer ID associated with this user session).

12. Referring to claim 7, Dulude show the use of the hush function for producing the digital signature (see 52 in Fig.4).

13. Referring to claim 9, it is inherent to use the biometric samples chosen from fingerprints, voice, speech, face, retina, iris, handwritten signature, hand geometry, veins.

14. Referring to claim 10, Dulude teaches sending the data over the network (see 50 in Fig.40).

15. Claims 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Lambert (U.S. Patent No. 6,193,153 B1).

16. Referring to the instant claims, Lambert discloses a method for non-intrusive biometric capture (see abstract). Lambert teaches a computer peripheral device for providing a computer system with user input data and user biometric data includes an event sensing portion for detecting a user action and for converting the user input into a data first stream, the user action of a type appropriate for the computer peripheral device, a biometric acquisition portion for acquiring biometric data from the user at substantially a same time the event sensing portion detects the user action (see abstract and Fig.1).

17. Referring to the independent claim 11, the limitation "a computerized server for managing the signing process, the server being connected to a network via network connection means" is met by the server (100) connected to the network via network interface (140) – see fig. 1. The limitation "a database system for storing ... biometric templates" is met by the file of hand data (see unit 270 in Fig. 2A). The limitation "one or more client terminals for managing the signing process ... coupled with means for carrying out biometric samples, and connected to the network" is met by the unit 130 and other terminals connected to the network (see Fig.1). The limitation "a software component at the clients terminal for producing a template of a biometric sample" is met by blocks 580, 590, 600 and 610 in Fig. 4. The limitation "comparing digital seals"

is met by user record being compared to a database of previously recorded biometric data (see column 13, lines 9-13 and step 930 in Fig.6).

18. Referring to claim 12, Lambert teaches the means for encryption and decryption of data residing on the server and the client terminals – see unit 530 in Fig. 4, which encrypts the biometric data (see column 10, lines 45-50).

19. Referring to claim 13, Lambert teaches that client's terminal is a computer (see Fig. 1).

### ***Conclusion***

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Grigory Gurshman whose telephone number is (571)272-3803. The examiner can normally be reached on 9 AM-5:30 PM.



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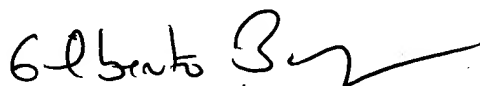
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571)272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GG

Grigory Gurshman  
Examiner  
Art Unit 2132



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